

**Before the
Federal Communications Commission
Washington, DC 20554**

)	
In the Matter of)	
)	RM-11338
Petition for Rulemaking of the)	MB Docket No. _____
National Association of Broadcasters)	
to Permit AM Radio Stations' Use of)	
FM Translators)	
)	

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

Seattle Streaming Radio ("SSR"), an AM broadcast licensee in Lakewood (KNTB) and Bremerton (KBRO), Washington, in Key West, Florida (WKIZ) and in Juneau Alaska (KTNL), hereby submits these Comments in support of the National Association of Broadcasters ("NAB") petition for rulemaking filed on July 14, 2006.¹ By its petition, NAB asks the Commission to initiate a rulemaking proceeding to amend the rules in order to allow AM broadcast stations to operate FM translator stations. More specifically, NAB requests that AM stations be permitted to license and/or use FM translators to retransmit their AM service as a fill-in service, so long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of either the 2 mV/m daytime contour of the AM station or a circle with its

¹ See Public Notice Report No. 2782, July 25, 2006 (Consumer & Governmental Affairs Bureau Reference Information Center Petition for Rulemaking Filed).

center at the AM transmitter site and a radius of 25 miles. By this proposal, which would require modification of Sections 74.1231, 74.1232, 74.1233, 74.1263, 74.1283 and 74.1284 of the Rules, 47 C.F.R. §§ 74.1231, 74.1232, 74.1233, 74.1263, 74.1283, and 74.1284, AM stations would be able to provide consistent service throughout their daytime operating contour and at the same time continue to avoid interference at night to other stations. Today, those stations are either not permitted to transmit at night or must reduce their power drastically, to avoid interference with other AM stations.

In Lakewood, Washington, KTNB must reduce power at night from 1 kW to 111 watts, in order to prevent interference. This, of course, reduces the number of subscribers significantly at night, a situation that will be exacerbated next year when Daylight Saving Time is extended by some four weeks.² KTNL in Juneau, Alaska, is similarly subject to reduction in power from 10 kW to 3.5 kW at night. In Bremerton, Washington, KBRO listeners are often unable to properly receive the station due to noisy trolley wires and other noise generators in the area that are especially evident at night, a situation that could be remedied by use of FM translation.

Key to NAB's proposal is that it would not increase the coverage of AM stations beyond existing contours; rather, it would reduce the loss of coverage at night and at the same time provide continuity of service to the same subscribers that listen during the day. It would similarly resolve

² NAB Petition at 4-5.

unique situations involving nighttime noise, as in the case of KBRO in Bremerton. New technologies and programming services have been introduced in the last several years, fostering competition and motivating AM licensees to find new ways to retain service to their listeners. Failure to permit use of currently available technologies would disserve the public interest by restricting AM stations to reach their listeners on a continuous basis. Put simply, the use of FM translators would constitute an elegantly straightforward means by which AM stations would be able to more fully serve their existing markets, without any risk of interference to other stations.

There have been other requests similar to the subject NAB petition, but the AM radio marketplace has evolved dramatically since those requests were filed.³ The AM radio industry clearly now needs to be permitted to compete fairly in the provision of services to its licensed coverage areas. Using FM translators, AM broadcast stations would be better able to transmit their programming at night without any increased risk of interference to other stations.

There are a number of specific rule changes required to implement NAB's proposal, including Section 74.1231 to permit FM translators to be located so that the predicted 60 dBu contour falls within the

³ *Id.* at n.10 (regarding Petition for Rulemaking of the American Community AM Broadcasters Association, RM-9419 (August 13, 1997) (*ACAMBA*)).

lesser of either the 2 V/m daytime coverage area of that AM station or a circle with its center at the AM transmitter site and a radius of 25 miles. This rule would also have to be changed to allow FM translators to use any terrestrial facilities to receive the signal that is being rebroadcast.⁴

Similarly, Section 74.1232 would need to be modified to clarify that AM radio stations may be licensed to use FM translators. Importantly, Section 74.1263(b) would need to be modified to permit daytime-only AM broadcast stations to operate FM translators at night.

NAB has outlined a long list of compelling reasons for allowing AM stations to use FM translators,⁵ and it has included a set of limitations that distinguish its proposal from earlier petitions that have been either rejected or not acted upon by the Commission.⁶ Among those, perhaps the two most important for local audiences are the increased availability of

⁴ SSR agrees with NAB that FM translators should not be used to originate programming, except as provided already in Sections 74.1231(f) and (g). *See* NAB Petition at 8.

⁵ *See* NAB Petition at 10-15.

⁶ In 1981, for example, the Commission rejected a request by a group of rural AM broadcasters to amend its rules to allow AM stations to retransmit their signals on FM translators in areas beyond the predicted 1 mV/m contour of existing AM stations. The rationale was that AM propagation normally does not leave service voids similar to those in the FM band. *See Memorandum Opinion and Order*, RM-2273, 49 RR 2d 1499 (1981) (*Rocky Mountain Order*). *Amendment of Part 74 of the Commission's Rules Concerning Translator Stations, Notice of Proposed Rulemaking*, MM Docket No. 88-140, RM-5416, RM-5472, 5 FCC Rcd 2106 (1990) (*Part 74 NPRM*); *Amendment of Part 74 of the Commission's Rules Concerning Translator Stations, Report and Order*, MM Docket No. 88-140, RM-5416, RM-5472, 5 FCC Rcd 7212 (1990) (*Part 74 Report*). *See ACAMA, supra*.

emergency messages and announcements regarding communities' efforts to locate abducted children. Times and markets are far different today than in 1981 or even 1990. For these reasons, it is fitting and necessary that the Commission recognize the practicality and timeliness of the specific proposals offered by NAB's petition. Indeed, the public that is served by AM broadcasters currently limited by nighttime power restrictions and other unique nighttime reception situations deserves

no less than expeditious acceptance of RM-11338 in the context of a rulemaking proceeding.

Respectfully submitted,

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